

AMENDED IN ASSEMBLY APRIL 11, 2002

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE MAY 25, 2001

SENATE BILL

No. 433

Introduced by Senators ~~Monteith~~ Machado and Margett

February 21, 2001

An act to ~~amend Section 44299~~ *repeal Section 43033* of the Health and Safety Code, ~~relating to air resources, and declaring the urgency thereof, to take effect immediately.~~ *relating to air resources.*

LEGISLATIVE COUNSEL'S DIGEST

SB 433, as amended, ~~Monteith~~ Machado. ~~Carl Moyer Memorial Air Standards Attainment Program~~ *Air resources: civil and administrative penalties.*

(1) ~~The existing Carl Moyer Memorial Air Quality Standards Attainment Program authorizes the State Air Resources Board to make grants for the purchase of low-emission, heavy-duty engines for vehicles, equipment, vessels, and locomotives. The program permits the administration of the program to be delegated to air pollution control districts and air quality management districts.~~

Existing law, which is to be repealed on January 1, 2003, provides for civil or administrative penalties up to a prescribed maximum, depending on the nature of the violation, for a violation of prescribed statutes or any rule, regulation, permit, variance, or order of the State Air Resources Board pertaining to fuel requirements and standards. The recovery of those penalties precludes criminal prosecution, or the filing of a criminal complaint requires dismissal of any action or administrative proceeding seeking those civil penalties.

This bill would declare the intent of the Legislature that all funds appropriated for the purposes of the program in the Budget Act of 2001, if any, be deposited in the Carl Moyer Memorial Air Quality Standards Attainment Trust Fund.

(2) The bill would declare that it is to take effect immediately as an urgency statute, repeal that repeal date, thereby extending the operation of those provisions indefinitely.

Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: no yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 44299 of the Health and Safety Code is~~
- 2 ~~SECTION 1. Section 43033 of the Health and Safety Code is~~
- 3 ~~repealed.~~
- 4 ~~43033. This chapter shall remain in effect only until January~~
- 5 ~~1, 2003, and as of that date is repealed, unless a later enacted~~
- 6 ~~statute, that is enacted before January 1, 2003, deletes or extends~~
- 7 ~~that date.~~
- 8 ~~amended to read:~~
- 9 ~~44299. (a) (1) The Carl Moyer Memorial Air Quality~~
- 10 ~~Standards Attainment Trust Fund is hereby created in the State~~
- 11 ~~Treasury. The Controller shall transfer any unencumbered funds~~
- 12 ~~appropriated to the commission or the state board for the diesel~~
- 13 ~~emissions reduction incentive program by Items 3360-001-0314~~
- 14 ~~and 3900-001-0001 of Section 2.00 of the Budget Act of 1998 (Ch.~~
- 15 ~~324, Stats. 1998), and Items 3360-001-0314, 3360-001-0001,~~
- 16 ~~3360-001-0465, 3900-001-0001, and 3900-001-0115 of Section~~
- 17 ~~2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999), to the trust~~
- 18 ~~fund. These moneys in the trust fund shall be available upon~~
- 19 ~~appropriation by the Legislature to carry out the purposes of this~~
- 20 ~~chapter.~~
- 21 ~~(2) It is the intent of the Legislature that all funds, if any,~~
- 22 ~~appropriated for the purposes of this chapter in the Budget Act of~~
- 23 ~~2001 be deposited in the trust fund.~~
- 24 ~~(b) To ensure that emission reductions are obtained as needed~~
- 25 ~~from air pollution sources, the following accounts are hereby~~
- 26 ~~created in the trust fund:~~
- 27 ~~(1) The Covered Vehicle Account.~~
- 28 ~~(2) The Advanced Technology Account.~~

1 ~~(c) Notwithstanding Sections 16475, 16475.1, and 16480.6 of~~
2 ~~the Government Code, all of the interest earned on money in the~~
3 ~~trust fund shall be deposited in the trust fund.~~

4 ~~SEC. 2. This act is an urgency statute necessary for the~~
5 ~~immediate preservation of the public peace, health, or safety~~
6 ~~within the meaning of Article IV of the Constitution and shall go~~
7 ~~into immediate effect. The facts constituting the necessity are:~~

8 ~~In order to ensure that the Carl Moyer Memorial Air Quality~~
9 ~~Standards Attainment Program is implemented, as soon as~~
10 ~~possible, it is necessary that this act take effect immediately.~~

